

Serial No. 10/090,514
Docket No. 02009-PA

REMARKS

Claims 1, 2, 4-7, 9, 10, 13-14, 16 and 17 were rejected under 35 U.S.C. §112 first paragraph as failing to comply with the written description requirements. The drawings were objected to as not showing every feature as recited in claims 1 and 17. Claims 1, 2, 4-7, 9, 10 and 17 were not rejected based on prior art.

Claims 1, 13 and 17 have been amended herein in response to this rejection.

Claim 1 has been amended to delete "one corrugated section having an end anchored to the interior wall" and to also delete "the straw being devoid of a float". Claim 1 has been amended to recite:

– the straw having an end portion formed integrally with the container,
one corrugated section being disposed ... – .

Support for amended claim 1 is found on page 7, line 17 where the exact terminology is used.

FIG. 1 clearly shows the end 13 of the straw 10 being formed with the container 11. The cross-sectioning of the container 11 is continued uninterruptively, in the end 13. It is submitted that the drawings (FIG. 1) shows the integral connection as disclosed in the specification and as recited in amended claim 1.

Claim 1 no longer recites the straw being devoid of a float.

Accordingly, lifting of the rejection of claim 1 and of claims 2, 4-7, 9 and 10 dependent therefrom is respectfully requested.

Claim 13 has been amended to delete "the straw being devoid of a float". Accordingly lifting of the 35 U.S.C. §112 basis of rejection of amended claim 1 is respectfully requested.

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Claim 17 has been amended to delete "at least one corrugated section is directly connected to the interior wall". Amended claim 17 now recites – the end of the straw is formed integrally with the container – as disclosed in the specification on page 7, line 17. FIG. 1 shows the feature of claim 17. The end 13 of the straw 10 is shown partially in cross-section where the sectioning is continuous between the container 11 and the end 13 of the straw. Lifting of the 35 U.S.C. §112 basis of rejection of amended claim 17 is respectfully requested. Also, lifting of the 37 C.F.R. §1.83(a) objection to the drawings is respectfully requested.

Claim 16 was objected to because of an informality. Claim 16 has been amended to change "the corrugations are " to read – the corrugation is – .

Claims 13, 14 and 16 were rejected under 25 U.S.C. §103(e) as being unpatentable over *Wen* in view of *Nardone et al.* Claim 13 has been amended to recite – at least one section having a non-uniform cross-section including a stiffener – .

This structure is disclosed on page 8, line 19; page 9, lines 1-4 and is shown in FIG. 15. FIG. 15 was one of the figures elected in Group I. It is submitted that the Official Action of October 7, 2004 admits that *Wen* does not disclose a corrugated section having a non-uniform cross-section. None of the other cited references, including *Nardone et al* suggest or disclose a stiffener in the straw as recited in amended claim 13.

Accordingly, allowance of claim 13, as amended and claims 14, 16 and 17 dependent therefrom is respectfully requested.

It appears that all matters have been addressed satisfactorily, and that the case is now in condition for a complete allowance; and the same is respectfully urged.

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However, if the Examiner has any comments or questions, or has any suggestions as per MPEP 707.07 (d) and (j), for putting the case in condition for final allowance, she is respectfully urged to contact the undersigned attorney-of-record at the telephone number below, so that an expeditious resolution may be effected and the case passed to issue promptly.

Respectfully submitted,



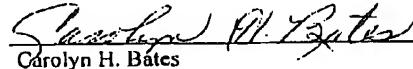
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Nov 1, 2004
Date

CERTIFICATE OF TRANSMITTAL

I hereby certify that this correspondence, consisting of 8 pages, is being transmitted via facsimile to the U.S. Patent Office, P.O. Box 1450, Alexandria, VA 22313-1450.

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